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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,332	12/13/2003	Thomas Haft	US20030356	1361

173 7590 10/10/2007
WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/734,332	Applicant(s) HAFT ET AL.	
	Examiner Jason Heckert	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-17,22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-10,12-17,22,24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Due to the applicant's amendments to the claims, the previous rejections are rendered moot.

Claim Rejections - 35 USC § 112

2. Claim 12-13, and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 26 recites the limitation "the liquid using washing accessory". There is insufficient antecedent basis for this limitation in the claim. Applicant had previously amended the claims to call said accessory a –wash aid dispenser— in order to overcome a prior art rejection. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-2, 4-6, 9-10, 12-13, 16-17, 22, 24-26 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Milocco. Milocco discloses a door for a standard dishwashing machine comprising a housing and wash chamber (col. 2 lines 47-56). A spray arm and pump assembly are considered to be inherent, or at the very least, obvious modifications as they, along with a sump, are

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very common means to spray and circulate wash water onto crockery. The door comprises various wash aid dispensers 7, 8, and 9. A liquid delivery system delivers water from at least one of an external supply or the wash chamber to said dispensers via a first hose portion carried by the housing, a second hose portion carried by the door, and finally a mating portion that forms a seal between the first two portions when the door is closed (col. 3 lines 35-39 and figure 1). When the portions come together, an integral conduit is formed. Milocco discloses that the mating portion can be a male/female coupling type readable on fluid coupling, or a flexible watertight seal readable on a third hose portion. Milocco discloses that the mating portion can be flexible, and therefore is considered to be extendable to some extent. The door is hinged at 4, a lower portion of the housing where the first and second hose portion mate. Milocco discloses valve 11 located near the hinge axis of the door. This valve has control means (col. 3 line 13) for controlling flow to at least one bulk aid dispenser 7 via passage 10 located in the door.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milocco in view of Hechler, IV. Milocco does disclose multiple discrete passages being located in the door (parts 10 and 16), but does not disclose them as a one-piece conduit with discrete passages. Integral hoses with multiple passages ways are known in the art. Hechler, IV discloses a dual hose for the delivery of two fluids with at least two discrete passages 30 and 32. It would have been obvious at the time of the invention, to modify the conduits of Milocco and join them to make them one two-way conduit, as taught by Hechler, as is well known in the art. Furthermore, Milocco already discloses

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the motivation for discrete passages and two-way flow. Whether the conduits are separate or joined is considered to be a design choice. It has been held that an obvious choice in design, which presents no novel or unexpected result, is not patentable. *In re Kuhle*, 188 USPQ 7.

7. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milocco in view of Jacobs and further in view of Hechler, IV. Milocco discloses a valve 11 in the liquid delivery system, but does not disclose a multiple outlet valve. Multiple outlet valves are well known in the art, and their mere inclusion in a device is not considered to be novel. Jacobs discloses a dishwasher with an actuated three-way valve 92 used in the liquid delivery system. This three-way valve is capable of delivering fluid to different areas of the apparatus. As stated above, Hechler, IV discloses a hose with multiple discrete passages. Jacobs' valve, as can any other three-way valve, can supply fluid from an external source to the wash chamber and a hose with multiple discrete passages. It would have been obvious at the time of the invention, to modify Milocco and include a multiple outlet valve, as disclosed by Jacobs, in order to deliver fluid to different areas of the apparatus using the double hose taught by Hechler, IV. Such areas include the wash chamber and the wash aid dispenser of Milocco et al.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER